
HOUSE BILL 2948

State of Washington

56th Legislature

2000 Regular Session

By Representative Dunn

Read first time 01/24/2000. Referred to Committee on Appropriations.

1 AN ACT Relating to replacing motor vehicle excise tax distributions
2 to local governments; amending RCW 84.52.043, 84.52.065, 70.05.125,
3 82.14.200, 82.14.210, 82.14.310, 82.14.320, 82.14.330, and 82.14.380;
4 adding a new section to chapter 43.79 RCW; repealing RCW 84.52.067; and
5 providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 84.52.043 and 1995 c 99 s 3 are each amended to read
8 as follows:

9 Within and subject to the limitations imposed by RCW 84.52.050 as
10 amended, the regular ad valorem tax levies upon real and personal
11 property by the taxing districts hereafter named shall be as follows:

12 (1) Levies of the senior taxing districts shall be as follows: (a)
13 The levy by the state shall not exceed three dollars and sixty cents
14 per thousand dollars of assessed value adjusted to the state equalized
15 value in accordance with the indicated ratio fixed by the state
16 department of revenue (~~(to be used exclusively for the support of the~~
17 ~~common schools)); (b) the levy by any county shall not exceed one
18 dollar and eighty cents per thousand dollars of assessed value; (c) the
19 levy by any road district shall not exceed two dollars and twenty-five~~

1 cents per thousand dollars of assessed value; and (d) the levy by any
2 city or town shall not exceed three dollars and thirty-seven and one-
3 half cents per thousand dollars of assessed value. However any county
4 is hereby authorized to increase its levy from one dollar and eighty
5 cents to a rate not to exceed two dollars and forty-seven and one-half
6 cents per thousand dollars of assessed value for general county
7 purposes if the total levies for both the county and any road district
8 within the county do not exceed four dollars and five cents per
9 thousand dollars of assessed value, and no other taxing district has
10 its levy reduced as a result of the increased county levy.

11 (2) The aggregate levies of junior taxing districts and senior
12 taxing districts, other than the state, shall not exceed five dollars
13 and ninety cents per thousand dollars of assessed valuation. The term
14 "junior taxing districts" includes all taxing districts other than the
15 state, counties, road districts, cities, towns, port districts, and
16 public utility districts. The limitations provided in this subsection
17 shall not apply to: (a) Levies at the rates provided by existing law
18 by or for any port or public utility district; (b) excess property tax
19 levies authorized in Article VII, section 2 of the state Constitution;
20 (c) levies for acquiring conservation futures as authorized under RCW
21 84.34.230; (d) levies for emergency medical care or emergency medical
22 services imposed under RCW 84.52.069; (e) levies to finance affordable
23 housing for very low-income housing imposed under RCW 84.52.105; and
24 (f) the portions of levies by metropolitan park districts that are
25 protected under RCW 84.52.120.

26 **Sec. 2.** RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each amended to
27 read as follows:

28 (1) Subject to the limitations in RCW 84.55.010, in each year the
29 state shall levy for collection in the following year (~~for the support~~
30 ~~of common schools of the state~~) a tax of three dollars and sixty cents
31 per thousand dollars of assessed value upon the assessed valuation of
32 all taxable property within the state adjusted to the state equalized
33 value in accordance with the indicated ratio fixed by the state
34 department of revenue.

35 (2) During the fiscal year ending June 30, 2001, revenue from the
36 levy under this section shall be deposited as provided in this
37 subsection.

1 (a) \$13,400,000 to the county sales and use tax equalization
2 account created in RCW 82.14.200;

3 (b) \$44,200,000 to the municipal sales and use tax equalization
4 account created in RCW 82.14.210;

5 (c) \$48,200,000 to the city police and fire protection assistance
6 account created under section 3 of this act;

7 (d) \$30,600,000 to the county criminal justice assistance account
8 created in RCW 82.14.310;

9 (e) \$6,200,000 to the municipal criminal justice assistance account
10 for distribution under RCW 82.14.320;

11 (f) \$6,200,000 to the municipal criminal justice assistance account
12 for distribution under RCW 82.14.330;

13 (g) \$20,100,000 to the county public health account created in RCW
14 70.05.125;

15 (h) \$8,700,000 to the distressed county assistance account created
16 in RCW 82.14.380.

17 (3) During fiscal years ending after June 30, 2001, revenue from
18 the levy under this section shall be deposited in the accounts
19 specified in subsection (2) of this section. The amount deposited in
20 each account each year shall equal the amount deposited during the
21 previous year increased by the fiscal growth factor as defined in RCW
22 43.135.025.

23 (4) Revenue from the levy under this section in excess of amounts
24 deposited under subsections (2) and (3) of this section shall be
25 deposited in the state general fund for the support of the common
26 schools.

27 (5) As used in this section, "the support of common schools"
28 includes the payment of the principal and interest on bonds issued for
29 capital construction projects for the common schools.

30 NEW SECTION. Sec. 3. A new section is added to chapter 43.79 RCW
31 to read as follows:

32 The city police and fire protection assistance account is created
33 in the state treasury. On the first day of the months of January,
34 April, July, and October of each year, the treasurer shall distribute
35 moneys in the account to the cities and towns ratably on the basis of
36 population as last determined by the office of financial management.
37 When so apportioned, the amount payable to each city shall be used by

1 the city or town for the purposes of police and fire protection in the
2 city or town, and not otherwise.

3 **Sec. 4.** RCW 70.05.125 and 1998 c 266 s 1 are each amended to read
4 as follows:

5 (1) The county public health account is created in the state
6 treasury. Funds deposited in the county public health account shall be
7 distributed by the state treasurer to each local public health
8 jurisdiction based upon amounts certified to it by the department of
9 community, trade, and economic development in consultation with the
10 Washington state association of counties. (~~The account shall include~~
11 ~~funds distributed under RCW 82.44.110 and 82.14.200(8) and such funds~~
12 ~~as are appropriated to the account from the health services account~~
13 ~~under RCW 43.72.900, the public health services account under RCW~~
14 ~~43.72.902, and such other funds as the legislature may appropriate to~~
15 ~~it.))~~

16 (2)(a) The director of the department of community, trade, and
17 economic development shall certify the amounts to be distributed to
18 each local public health jurisdiction using 1995 as the base year of
19 actual city contributions to local public health.

20 (b) Only if funds are available and in an amount no greater than
21 available funds under RCW 82.14.200(8), the department of community,
22 trade, and economic development shall adjust the amount certified under
23 (a) of this subsection to compensate for any annexation of an area with
24 fifty thousand residents or more to any city as a result of a petition
25 during calendar year 1996 or 1997, or for any city that became newly
26 incorporated as a result of an election during calendar year 1994 or
27 1995. The amount to be adjusted shall be equal to the amount which
28 otherwise would have been lost to the health jurisdiction due to the
29 annexation or incorporation as calculated using the jurisdiction's 1995
30 funding formula.

31 (c) The county treasurer shall certify the actual 1995 city
32 contribution to the department. Funds in excess of the base shall be
33 distributed proportionately among the health jurisdictions based on
34 incorporated population figures as last determined by the office of
35 financial management.

36 (3) Moneys distributed under this section shall be expended
37 exclusively for local public health purposes.

1 **Sec. 5.** RCW 82.14.200 and 1998 c 321 s 8 (Referendum Bill No. 49)
2 are each amended to read as follows:

3 There is created in the state treasury a special account to be
4 known as the "county sales and use tax equalization account." (~~Into~~
5 ~~this account shall be placed a portion of all motor vehicle excise tax~~
6 ~~receipts as provided in RCW 82.44.110.~~) Funds in this account shall
7 be allocated by the state treasurer according to the following
8 procedure:

9 (1) Prior to April 1st of each year the director of revenue shall
10 inform the state treasurer of the total and the per capita levels of
11 revenues for the unincorporated area of each county and the state-wide
12 weighted average per capita level of revenues for the unincorporated
13 areas of all counties imposing the sales and use tax authorized under
14 RCW 82.14.030(1) for the previous calendar year.

15 (2) At such times as distributions are made under (~~RCW 82.44.150~~)
16 section 3 of this act, the state treasurer shall apportion to each
17 county imposing the sales and use tax under RCW 82.14.030(1) at the
18 maximum rate and receiving less than one hundred fifty thousand dollars
19 from the tax for the previous calendar year, an amount from the county
20 sales and use tax equalization account sufficient, when added to the
21 amount of revenues received the previous calendar year by the county,
22 to equal one hundred fifty thousand dollars.

23 The department of revenue shall establish a governmental price
24 index as provided in this subsection. The base year for the index
25 shall be the end of the third quarter of 1982. Prior to November 1,
26 1983, and prior to each November 1st thereafter, the department of
27 revenue shall establish another index figure for the third quarter of
28 that year. The department of revenue may use the implicit price
29 deflators for state and local government purchases of goods and
30 services calculated by the United States department of commerce to
31 establish the governmental price index. Beginning on January 1, 1984,
32 and each January 1st thereafter, the one hundred fifty thousand dollar
33 base figure in this subsection shall be adjusted in direct proportion
34 to the percentage change in the governmental price index from 1982
35 until the year before the adjustment. Distributions made under this
36 subsection for 1984 and thereafter shall use this adjusted base amount
37 figure.

38 (3) Subsequent to the distributions under subsection (2) of this
39 section and at such times as distributions are made under (~~RCW~~

1 ~~82.44.150~~) subsection (2) of this section, the state treasurer shall
2 apportion to each county imposing the sales and use tax under RCW
3 82.14.030(1) at the maximum rate and receiving less than seventy
4 percent of the state-wide weighted average per capita level of revenues
5 for the unincorporated areas of all counties as determined by the
6 department of revenue under subsection (1) of this section, an amount
7 from the county sales and use tax equalization account sufficient, when
8 added to the per capita level of revenues for the unincorporated area
9 received the previous calendar year by the county, to equal seventy
10 percent of the state-wide weighted average per capita level of revenues
11 for the unincorporated areas of all counties determined under
12 subsection (1) of this section, subject to reduction under subsections
13 (6) and (7) of this section. When computing distributions under this
14 section, any distribution under subsection (2) of this section shall be
15 considered revenues received from the tax imposed under RCW
16 82.14.030(1) for the previous calendar year.

17 (4) Subsequent to the distributions under subsection (3) of this
18 section and at such times as distributions are made under ((RCW
19 ~~82.44.150~~) subsection (2) of this section, the state treasurer shall
20 apportion to each county imposing the sales and use tax under RCW
21 82.14.030(2) at the maximum rate and receiving a distribution under
22 subsection (2) of this section, a third distribution from the county
23 sales and use tax equalization account. The distribution to each
24 qualifying county shall be equal to the distribution to the county
25 under subsection (2) of this section, subject to the reduction under
26 subsections (6) and (7) of this section. To qualify for the total
27 distribution under this subsection, the county must impose the tax
28 under RCW 82.14.030(2) for the entire calendar year. Counties imposing
29 the tax for less than the full year shall qualify for prorated
30 allocations under this subsection proportionate to the number of months
31 of the year during which the tax is imposed.

32 (5) Subsequent to the distributions under subsection (4) of this
33 section and at such times as distributions are made under ((RCW
34 ~~82.44.150~~) subsection (2) of this section, the state treasurer shall
35 apportion to each county imposing the sales and use tax under RCW
36 82.14.030(2) at the maximum rate and receiving a distribution under
37 subsection (3) of this section, a fourth distribution from the county
38 sales and use tax equalization account. The distribution to each
39 qualifying county shall be equal to the distribution to the county

1 under subsection (3) of this section, subject to the reduction under
2 subsections (6) and (7) of this section. To qualify for the
3 distributions under this subsection, the county must impose the tax
4 under RCW 82.14.030(2) for the entire calendar year. Counties imposing
5 the tax for less than the full year shall qualify for prorated
6 allocations under this subsection proportionate to the number of months
7 of the year during which the tax is imposed.

8 (6) Revenues distributed under subsections (2) through (5) of this
9 section in any calendar year shall not exceed an amount equal to
10 seventy percent of the state-wide weighted average per capita level of
11 revenues for the unincorporated areas of all counties during the
12 previous calendar year. If distributions under subsections (3) through
13 (5) of this section cannot be made because of this limitation, then
14 distributions under subsections (3) through (5) of this section shall
15 be reduced ratably among the qualifying counties.

16 (7) If inadequate revenues exist in the county sales and use tax
17 equalization account to make the distributions under subsections (3)
18 through (5) of this section, then the distributions under subsections
19 (3) through (5) of this section shall be reduced ratably among the
20 qualifying counties. At such time during the year as additional funds
21 accrue to the county sales and use tax equalization account, additional
22 distributions shall be made under subsections (3) through (5) of this
23 section to the counties.

24 (8) If the level of revenues in the county sales and use tax
25 equalization account exceeds the amount necessary to make the
26 distributions under subsections (2) through (5) of this section, at
27 such times as distributions are made under (~~RCW 82.44.150~~) subsection
28 (2) of this section, the state treasurer shall apportion an amount to
29 the county public health account created in RCW 70.05.125 equal to the
30 adjustment under RCW 70.05.125(2)(b).

31 (9) If the level of revenues in the county sales and use tax
32 equalization account exceeds the amount necessary to make the
33 distributions under subsections (2) through (5) and (8) of this
34 section, then the additional revenues shall be credited and transferred
35 as follows:

36 (a) Fifty percent to the public facilities construction loan
37 revolving account under RCW 43.160.080; and

38 (b) Fifty percent to the distressed county public facilities
39 construction loan account under RCW 43.160.220, or so much thereof as

1 will not cause the balance in the account to exceed twenty-five million
2 dollars. Any remaining funds shall be deposited into the public
3 facilities construction loan revolving account.

4 **Sec. 6.** RCW 82.14.210 and 1996 c 64 s 1 are each amended to read
5 as follows:

6 There is created in the state treasury a special account to be
7 known as the "municipal sales and use tax equalization account."
8 ~~((Into this account shall be placed such revenues as are provided under
9 RCW 82.44.110(1)(e).))~~ Funds in this account shall be allocated by the
10 state treasurer according to the following procedure:

11 (1) Prior to January 1st of each year the department of revenue
12 shall determine the total and the per capita levels of revenues for
13 each city and the state-wide weighted average per capita level of
14 revenues for all cities imposing the sales and use tax authorized under
15 RCW 82.14.030(1) for the previous calendar year.

16 (2) At such times as distributions are made under ~~((RCW 82.44.150))~~
17 section 3 of this act, the state treasurer shall apportion to each city
18 not imposing the sales and use tax under RCW 82.14.030(2) an amount
19 from the municipal sales and use tax equalization account equal to the
20 amount distributed to the city under ~~((RCW 82.44.155))~~ section 3 of
21 this act, multiplied by forty-five fifty-fifths.

22 (3) Subsequent to the distributions under subsection (2) of this
23 section, and at such times as distributions are made under ~~((RCW
24 82.44.150))~~ subsection (2) of this section, the state treasurer shall
25 apportion to each city imposing the sales and use tax under RCW
26 82.14.030(1) at the maximum rate and receiving less than seventy
27 percent of the state-wide weighted average per capita level of revenues
28 for all cities as determined by the department of revenue under
29 subsection (1) of this section, an amount from the municipal sales and
30 use tax equalization account sufficient, when added to the per capita
31 level of revenues received the previous calendar year by the city, to
32 equal seventy percent of the state-wide weighted average per capita
33 level of revenues for all cities determined under subsection (1) of
34 this section, subject to reduction under subsection (6) of this
35 section.

36 (4) Subsequent to the distributions under subsection (3) of this
37 section, and at such times as distributions are made under ~~((RCW
38 82.44.150))~~ subsection (2) of this section, the state treasurer shall

1 apportion to each city imposing the sales and use tax under RCW
2 82.14.030(2) at the maximum rate and receiving a distribution under
3 subsection (3) of this section, a third distribution from the municipal
4 sales and use tax equalization account. The distribution to each
5 qualifying city shall be equal to the distribution to the city under
6 subsection (3) of this section, subject to the reduction under
7 subsection (6) of this section. To qualify for the distributions under
8 this subsection, the city must impose the tax under RCW 82.14.030(2)
9 for the entire calendar year. Cities imposing the tax for less than
10 the full year shall qualify for prorated allocations under this
11 subsection proportionate to the number of months of the year during
12 which the tax is imposed.

13 (5) For a city with an official incorporation date after January 1,
14 1990, municipal sales and use tax equalization distributions shall be
15 made according to the procedures in this subsection. Municipal sales
16 and use tax equalization distributions to eligible new cities shall be
17 made at the same time as distributions are made under subsections (3)
18 and (4) of this section. The department of revenue shall follow the
19 estimating procedures outlined in this subsection until the new city
20 has received a full year's worth of revenues under RCW 82.14.030(1) as
21 of the January municipal sales and use tax equalization distribution.

22 (a) Whether a newly incorporated city determined to receive funds
23 under this subsection receives its first equalization payment at the
24 January, April, July, or October municipal sales and use tax
25 equalization distribution shall depend on the date the city first
26 imposes the tax authorized under RCW 82.14.030(1).

27 (i) A newly incorporated city imposing the tax authorized under RCW
28 82.14.030(1) effective as of January 1st shall be eligible to receive
29 funds under this subsection beginning with the April municipal sales
30 and use tax equalization distribution of that year.

31 (ii) A newly incorporated city imposing the tax authorized under
32 RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st
33 shall be eligible to receive funds under this subsection beginning with
34 the July municipal sales and use tax equalization distribution of that
35 year.

36 (iii) A newly incorporated city imposing the tax authorized under
37 RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall
38 be eligible to receive funds under this subsection beginning with the

1 October municipal sales and use tax equalization distribution of that
2 year.

3 (iv) A newly incorporated city imposing the tax authorized under
4 RCW 82.14.030(1) effective as of August 1st, September 1st, or October
5 1st shall be eligible to receive funds under this subsection beginning
6 with the January municipal sales and use tax equalization distribution
7 of the next year.

8 (v) A newly incorporated city imposing the tax authorized under RCW
9 82.14.030(1) effective as of November 1st or December 1st shall be
10 eligible to receive funds under this subsection beginning with the
11 April municipal sales and use tax equalization distribution of the next
12 year.

13 (b) For purposes of calculating the amount of funds the new city
14 should receive under this subsection, the department of revenue shall:

15 (i) Estimate the per capita amount of revenues from the tax
16 authorized under RCW 82.14.030(1) that the new city would have received
17 had the city received revenues from the tax the entire calendar year;

18 (ii) Calculate the amount provided under subsection (3) of this
19 section based on the per capita revenues determined under (b)(i) of
20 this subsection;

21 (iii) Prorate the amount determined under (b)(ii) of this
22 subsection by the number of months the tax authorized under RCW
23 82.14.030(1) is imposed.

24 (c) A new city imposing the tax under RCW 82.14.030(2) at the
25 maximum rate and receiving a distribution calculated under (b) of this
26 subsection shall receive another distribution from the municipal sales
27 and use tax equalization account. This distribution shall be equal to
28 the calculation made under (b)(ii) of this subsection, prorated by the
29 number of months the city imposes the tax authorized under RCW
30 82.14.030(2) at the full rate.

31 (d) The department of revenue shall advise the state treasurer of
32 the amounts calculated under (b) and (c) of this subsection and the
33 state treasurer shall distribute these amounts to the new city from the
34 municipal sales and use tax equalization account subject to the
35 limitations imposed in subsection (6) of this section.

36 (e) Revenues estimated under this subsection shall not affect the
37 calculation of the state-wide weighted average per capita level of
38 revenues for all cities made under subsection (1) of this section.

1 (6) If inadequate revenues exist in the municipal sales and use tax
2 equalization account to make the distributions under subsection (3),
3 (4), or (5) of this section, then the distributions under subsections
4 (3), (4), and (5) of this section shall be reduced ratably among the
5 qualifying cities. At such time during the year as additional funds
6 accrue to the municipal sales and use tax equalization account,
7 additional distributions shall be made under subsections (3), (4), and
8 (5) of this section to the cities.

9 (7) If the level of revenues in the municipal sales and use tax
10 equalization account exceeds the amount necessary to make the
11 distributions under subsections (2) through (5) of this section, then
12 the additional revenues shall be apportioned among the several cities
13 within the state ratably on the basis of population as last determined
14 by the office of financial management: PROVIDED, That no such
15 distribution shall be made to those cities receiving a distribution
16 under subsection (2) of this section.

17 **Sec. 7.** RCW 82.14.310 and 1999 c 309 s 920 are each amended to
18 read as follows:

19 (1) The county criminal justice assistance account is created in
20 the state treasury. Beginning in fiscal year 2000, the state treasurer
21 shall transfer into the county criminal justice assistance account from
22 the general fund the sum of twenty-three million two hundred thousand
23 dollars divided into four equal deposits occurring on July 1, October
24 1, January 1, and April 1. For each fiscal year thereafter, the state
25 treasurer shall increase the total transfer by the fiscal growth
26 factor, as defined in RCW 43.135.025, forecast for that fiscal year by
27 the office of financial management in November of the preceding year.

28 (2) The moneys deposited in the county criminal justice assistance
29 account for distribution under this section, less any moneys
30 appropriated for purposes under subsection (4) of this section, shall
31 be distributed at such times as distributions are made under ((RCW
32 ~~82.44.150~~)) section 3 of this act and on the relative basis of each
33 county's funding factor as determined under this subsection.

34 (a) A county's funding factor is the sum of:

35 (i) The population of the county, divided by one thousand, and
36 multiplied by two-tenths;

37 (ii) The crime rate of the county, multiplied by three-tenths; and

1 (iii) The annual number of criminal cases filed in the county
2 superior court, for each one thousand in population, multiplied by
3 five-tenths.

4 (b) Under this section and RCW 82.14.320 and 82.14.330:

5 (i) The population of the county or city shall be as last
6 determined by the office of financial management;

7 (ii) The crime rate of the county or city is the annual occurrence
8 of specified criminal offenses, as calculated in the most recent annual
9 report on crime in Washington state as published by the Washington
10 association of sheriffs and police chiefs, for each one thousand in
11 population;

12 (iii) The annual number of criminal cases filed in the county
13 superior court shall be determined by the most recent annual report of
14 the courts of Washington, as published by the office of the
15 administrator for the courts;

16 (iv) Distributions and eligibility for distributions in the 1989-91
17 biennium shall be based on 1988 figures for both the crime rate as
18 described under (ii) of this subsection and the annual number of
19 criminal cases that are filed as described under (iii) of this
20 subsection. Future distributions shall be based on the most recent
21 figures for both the crime rate as described under (ii) of this
22 subsection and the annual number of criminal cases that are filed as
23 described under (iii) of this subsection.

24 (3) Moneys distributed under this section shall be expended
25 exclusively for criminal justice purposes and shall not be used to
26 replace or supplant existing funding. Criminal justice purposes are
27 defined as activities that substantially assist the criminal justice
28 system, which may include circumstances where ancillary benefit to the
29 civil or juvenile justice system occurs, and which includes (a)
30 domestic violence services such as those provided by domestic violence
31 programs, community advocates, and legal advocates, as defined in RCW
32 70.123.020, and (b) during the 1999-2001 fiscal biennium, juvenile
33 dispositional hearings relating to petitions for at-risk youth,
34 truancy, and children in need of services. Existing funding for
35 purposes of this subsection is defined as calendar year 1989 actual
36 operating expenditures for criminal justice purposes. Calendar year
37 1989 actual operating expenditures for criminal justice purposes
38 exclude the following: Expenditures for extraordinary events not
39 likely to reoccur, changes in contract provisions for criminal justice

1 services, beyond the control of the local jurisdiction receiving the
2 services, and major nonrecurring capital expenditures.

3 (4) Not more than five percent of the funds deposited to the county
4 criminal justice assistance account shall be available for
5 appropriations for enhancements to the state patrol crime laboratory
6 system and the continuing costs related to these enhancements. Funds
7 appropriated from this account for such enhancements shall not supplant
8 existing funds from the state general fund.

9 **Sec. 8.** RCW 82.14.320 and 1998 c 321 s 12 (Referendum Bill No. 49)
10 are each amended to read as follows:

11 (1) The municipal criminal justice assistance account is created in
12 the state treasury. Beginning in fiscal year 2000, the state treasurer
13 shall transfer into the municipal criminal justice assistance account
14 for distribution under this section from the general fund the sum of
15 four million six hundred thousand dollars divided into four equal
16 deposits occurring on July 1, October 1, January 1, and April 1. For
17 each fiscal year thereafter, the state treasurer shall increase the
18 total transfer by the fiscal growth factor, as defined in RCW
19 43.135.025, forecast for that fiscal year by the office of financial
20 management in November of the preceding year.

21 (2) No city may receive a distribution under this section from the
22 municipal criminal justice assistance account unless:

23 (a) The city has a crime rate in excess of one hundred twenty-five
24 percent of the state-wide average as calculated in the most recent
25 annual report on crime in Washington state as published by the
26 Washington association of sheriffs and police chiefs;

27 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
28 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
29 maximum rate; and

30 (c) The city has a per capita yield from the tax imposed under RCW
31 82.14.030(1) at the maximum rate of less than one hundred fifty percent
32 of the state-wide average per capita yield for all cities from such
33 local sales and use tax.

34 (3) The moneys deposited in the municipal criminal justice
35 assistance account for distribution under this section, less any moneys
36 appropriated for purposes under subsection (7) of this section, shall
37 be distributed at such times as distributions are made under ((RCW

1 ~~82.44.150~~) section 3 of this act. The distributions shall be made as
2 follows:

3 (a) Unless reduced by this subsection, thirty percent of the moneys
4 shall be distributed ratably based on population as last determined by
5 the office of financial management to those cities eligible under
6 subsection (2) of this section that have a crime rate determined under
7 subsection (2)(a) of this section which is greater than one hundred
8 seventy-five percent of the state-wide average crime rate. No city may
9 receive more than fifty percent of any moneys distributed under this
10 subsection (a) but, if a city distribution is reduced as a result of
11 exceeding the fifty percent limitation, the amount not distributed
12 shall be distributed under (b) of this subsection.

13 (b) The remainder of the moneys, including any moneys not
14 distributed in subsection (2)(a) of this section, shall be distributed
15 to all cities eligible under subsection (2) of this section ratably
16 based on population as last determined by the office of financial
17 management.

18 (4) No city may receive more than thirty percent of all moneys
19 distributed under subsection (3) of this section.

20 (5) Notwithstanding other provisions of this section, the
21 distributions to any city that substantially decriminalizes or repeals
22 its criminal code after July 1, 1990, and that does not reimburse the
23 county for costs associated with criminal cases under RCW 3.50.800 or
24 3.50.805(2), shall be made to the county in which the city is located.

25 (6) Moneys distributed under this section shall be expended
26 exclusively for criminal justice purposes and shall not be used to
27 replace or supplant existing funding. Criminal justice purposes are
28 defined as activities that substantially assist the criminal justice
29 system, which may include circumstances where ancillary benefit to the
30 civil justice system occurs, and which includes domestic violence
31 services such as those provided by domestic violence programs,
32 community advocates, and legal advocates, as defined in RCW 70.123.020,
33 and publications and public educational efforts designed to provide
34 information and assistance to parents in dealing with runaway or at-
35 risk youth. Existing funding for purposes of this subsection is
36 defined as calendar year 1989 actual operating expenditures for
37 criminal justice purposes. Calendar year 1989 actual operating
38 expenditures for criminal justice purposes exclude the following:
39 Expenditures for extraordinary events not likely to reoccur, changes in

1 contract provisions for criminal justice services, beyond the control
2 of the local jurisdiction receiving the services, and major
3 nonrecurring capital expenditures.

4 (7) Not more than five percent of the funds deposited to the
5 municipal criminal justice assistance account shall be available for
6 appropriations for enhancements to the state patrol crime laboratory
7 system and the continuing costs related to these enhancements. Funds
8 appropriated from this account for such enhancements shall not supplant
9 existing funds from the state general fund.

10 **Sec. 9.** RCW 82.14.330 and 1998 c 321 s 13 (Referendum Bill No. 49)
11 are each amended to read as follows:

12 (1) Beginning in fiscal year 2000, the state treasurer shall
13 transfer into the municipal criminal justice assistance account for
14 distribution under this section from the general fund the sum of four
15 million six hundred thousand dollars divided into four equal deposits
16 occurring on July 1, October 1, January 1, and April 1. For each
17 fiscal year thereafter, the state treasurer shall increase the total
18 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
19 forecast for that fiscal year by the office of financial management in
20 November of the preceding year. The moneys deposited in the municipal
21 criminal justice assistance account for distribution under this
22 section, less any moneys appropriated for purposes under subsection (4)
23 of this section, shall be distributed to the cities of the state as
24 follows:

25 (a) Twenty percent appropriated for distribution shall be
26 distributed to cities with a three-year average violent crime rate for
27 each one thousand in population in excess of one hundred fifty percent
28 of the state-wide three-year average violent crime rate for each one
29 thousand in population. The three-year average violent crime rate
30 shall be calculated using the violent crime rates for each of the
31 preceding three years from the annual reports on crime in Washington
32 state as published by the Washington association of sheriffs and police
33 chiefs. Moneys shall be distributed under this subsection (1)(a)
34 ratably based on population as last determined by the office of
35 financial management, but no city may receive more than one dollar per
36 capita. Moneys remaining undistributed under this subsection at the
37 end of each calendar year shall be distributed to the criminal justice
38 training commission to reimburse participating city law enforcement

1 agencies with ten or fewer full-time commissioned patrol officers the
2 cost of temporary replacement of each officer who is enrolled in basic
3 law enforcement training, as provided in RCW 43.101.200.

4 (b) Sixteen percent shall be distributed to cities ratably based on
5 population as last determined by the office of financial management,
6 but no city may receive less than one thousand dollars.

7 The moneys deposited in the municipal criminal justice assistance
8 account for distribution under this subsection shall be distributed at
9 such times as distributions are made under (~~RCW 82.44.150~~) section 3
10 of this act.

11 Moneys distributed under this subsection shall be expended
12 exclusively for criminal justice purposes and shall not be used to
13 replace or supplant existing funding. Criminal justice purposes are
14 defined as activities that substantially assist the criminal justice
15 system, which may include circumstances where ancillary benefit to the
16 civil justice system occurs, and which includes domestic violence
17 services such as those provided by domestic violence programs,
18 community advocates, and legal advocates, as defined in RCW 70.123.020.
19 Existing funding for purposes of this subsection is defined as calendar
20 year 1989 actual operating expenditures for criminal justice purposes.
21 Calendar year 1989 actual operating expenditures for criminal justice
22 purposes exclude the following: Expenditures for extraordinary events
23 not likely to reoccur, changes in contract provisions for criminal
24 justice services, beyond the control of the local jurisdiction
25 receiving the services, and major nonrecurring capital expenditures.

26 (2) In addition to the distributions under subsection (1) of this
27 section:

28 (a) Fourteen percent shall be distributed to cities that have
29 initiated innovative law enforcement strategies, including alternative
30 sentencing and crime prevention programs. No city may receive more
31 than one dollar per capita under this subsection (2)(a).

32 (b) Twenty percent shall be distributed to cities that have
33 initiated programs to help at-risk children or child abuse victim
34 response programs. No city may receive more than fifty cents per
35 capita under this subsection (2)(b).

36 (c) Twenty percent shall be distributed to cities that have
37 initiated programs designed to reduce the level of domestic violence
38 within their jurisdictions or to provide counseling for domestic

1 violence victims. No city may receive more than fifty cents per capita
2 under this subsection (2)(c).

3 (d) Ten percent shall be distributed to cities that contract with
4 another governmental agency for a majority of the city's law
5 enforcement services.

6 Moneys distributed under this subsection shall be distributed to
7 those cities that submit funding requests under this subsection to the
8 department of community, trade, and economic development based on
9 criteria developed under RCW 82.14.335. Allocation of funds shall be
10 in proportion to the population of qualified jurisdictions, but the
11 distribution to a city shall not exceed the amount of funds requested.
12 Cities shall submit requests for program funding to the department of
13 community, trade, and economic development by November 1 of each year
14 for funding the following year. The department shall certify to the
15 state treasurer the cities eligible for funding under this subsection
16 and the amount of each allocation.

17 The moneys deposited in the municipal criminal justice assistance
18 account for distribution under this subsection, less any moneys
19 appropriated for purposes under subsection (4) of this section, shall
20 be distributed at the times as distributions are made under ((RCW
21 82.44.150)) section 3 of this act. Moneys remaining undistributed
22 under this subsection at the end of each calendar year shall be
23 distributed to the criminal justice training commission to reimburse
24 participating city law enforcement agencies with ten or fewer full-time
25 commissioned patrol officers the cost of temporary replacement of each
26 officer who is enrolled in basic law enforcement training, as provided
27 in RCW 43.101.200.

28 If a city is found by the state auditor to have expended funds
29 received under this subsection in a manner that does not comply with
30 the criteria under which the moneys were received, the city shall be
31 ineligible to receive future distributions under this subsection until
32 the use of the moneys are justified to the satisfaction of the director
33 or are repaid to the state general fund. The director may allow
34 noncomplying use of moneys received under this subsection upon a
35 showing of hardship or other emergent need.

36 (3) Notwithstanding other provisions of this section, the
37 distributions to any city that substantially decriminalizes or repeals
38 its criminal code after July 1, 1990, and that does not reimburse the

1 county for costs associated with criminal cases under RCW 3.50.800 or
2 3.50.805(2), shall be made to the county in which the city is located.

3 (4) Not more than five percent of the funds deposited to the
4 municipal criminal justice assistance account shall be available for
5 appropriations for enhancements to the state patrol crime laboratory
6 system and the continuing costs related to these enhancements. Funds
7 appropriated from this account for such enhancements shall not supplant
8 existing funds from the state general fund.

9 **Sec. 10.** RCW 82.14.380 and 1999 c 311 s 201 are each amended to
10 read as follows:

11 (1) The distressed county assistance account is created in the
12 state treasury. (~~Into this account shall be placed a portion of all~~
13 ~~motor vehicle excise tax receipts as provided in RCW 82.44.110.~~) At
14 such times as distributions are made under (~~RCW 82.44.150~~) section 3
15 of this act, the state treasurer shall distribute the funds in the
16 distressed county assistance account to each county imposing the sales
17 and use tax authorized under RCW 82.14.370 as of January 1, 1999, in
18 the same proportions as distributions of the tax imposed under RCW
19 82.14.370 for these counties for the previous quarter.

20 (2) Funds distributed from the distressed county assistance account
21 shall be expended by the counties for criminal justice and other
22 purposes.

23 NEW SECTION. **Sec. 11.** RCW 84.52.067 (State levy for support of
24 common schools--Disposition of funds) and 1967 ex.s. c 133 s 2 are each
25 repealed.

26 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2000.

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